

SPEECH

OF

T. HARDEMAN, OF GEORGIA,

ON THE

RIGHTS OF THE SOUTH.

DELIVERED IN THE HOUSE OF REPRESENTATIVES, APRIL 12, 1860.

The House being in the Committee of the Whole on the state of the Union—Mr. HARDEMAN said:

Mr. CHAIRMAN: Having obtained the floor immediately after the member from Illinois (Mr. LOVEJOY) had concluded his remarks, some may suppose I intend to reply to the same; but as those remarks were sufficiently characterized at the time of their delivery, I shall not further notice them. I will, however, earnestly commend the unfortunate member to that Being who, when one similarly affected came running to him from the mountains and the tombs beseeching his compassion, permitting the unclean spirits that tormented him to exchange their habitation for one more congenial among the swine herd; and I sincerely hope that the prototype of him, possessed of a devil, may yet be seen "sitting, and clothed, and in his right mind."

A prophet of old, looking from the "specular tower" of prophecy, foresaw and foretold the desolations of Israel and the destruction of Jerusalem, and sacred history testifies to the verity of the prophecy and its fulfillment. Inspired by his example, many of these latter-day times foretell coming events; with what accuracy and foresight, time will only reveal. Some upon this floor, looking back upon the history of the past and at the dangers of the present, predict for the future of our country some of that blight and ruin that in the visions of the inspired one awaited the doomed cities of the East. How far these apprehensions may be well founded, is my purpose to investigate to-day. In the earlier days of our Republic, "the people of the United States, in order to form a more perfect Union," ordained and established a Constitution for their government, upon the proper observance of which justice would be established, domestic tranquility insured, and the blessings of liberty secured to the whole people. These objects, having been contemplated by the framers of that instrument, the inference is consequential, that if its provisions are not complied with by those who administer the municipal affairs of Federal and State Government, they inferred injustice would be practiced, and the public tranquility disturbed, if not destroyed. The Union formed was one of equal rights and immunities between the States that were represented in the convention, at the time of the adoption of the Constitution; and as new States could be admitted under the provisions of the same, as equals of the older States, the same rights and immunities are guaranteed to all that compose the Confederacy.

Now, what are some of those rights? Among those enumerated is a clause that provides "that no person shall be deprived of life, liberty, and property, without due process of law;" thereby securing to all the enjoyment of these constitutional immunities. So long as these rights are respected, there will be union and harmony; but when one portion of those governed aggress upon them, and endeavor to restrict others in their enjoyment, jealousies will arise, the harmony of the system will be broken, and the union of the States endangered. A free people are ever watchful of their liberties; and States ever have been, and ever will be, jealous of Federal encroachments and the aggressions of power. A struggle for power will ever arouse the vigor, energy, and resources of a people; and those that obtain the mastery are too prone to forget the rights of others in their desire to strengthen themselves. Hence we hear of resistance and revolution, among minorities, against the usurpations and encroachments of heartless majorities. Power desires additional strength,

that it may be secure in the position attained; and constitutional restrictions are too frequently impotent barriers to their aggressive demands. This has been demonstrated in our own brief history; and I propose to show to-day, that parties now exist that exert themselves to deprive my people of their constitutional equality in this Government. That you may correctly understand my position, I will briefly advert to the early history of our country.

At the time of the formation of our Constitution, there were conflicting opinions as to the best form of government, the extent of the powers that should be given it, and the rights of the States that composed it. Yet these differences of opinion were adjusted, and our present system adopted—its powers defined and restricted by articles of agreement known as the Federal Constitution. In that instrument, the rights of the people are secured. By its provisions our claims must be adjudged, and to it I appeal to-day. At the time of its adoption, what was the condition and *status* of the southern States? Did their peculiar institution then exist, or was this country (as has been asserted) dedicated to freedom? History informs us that at the time of the Declaration of Independence, slavery was common to all the colonies, and, at the period of the formation of the Constitution, existed in every State perhaps, save one, independent of municipal regulations—for in no State were there creating statutes. If it existed then, and was recognized by the fathers; the Constitution either recognized or ignored it, and as it nowhere ignores, but provides for its representation and its protection, in the clause restoring fugitive slaves to their owners, we are forced to the conclusion that slavery was recognized by the framers of that instrument, and therefore the right to its protection and enjoyment follows, as a necessary corollary.

But, say those opposed to this position, the clause cited guarantying to every individual the right of liberty is proof conclusive against your power to enslave. Nothing is more erroneous; and a reference to the debates at the time of the formation and adoption of the Constitution sustains me in this assertion. What liberty is guarantied here, and of which no one shall be deprived? It is the liberty of those recognized as freemen by the instrument itself. Were slaves thus recognized? If so, why the additional clause, "including those bound to service for a term of years, and three-fifths of all other persons?" What other persons are here referred to but the slaves of the South, who are still represented in that ratio on the floor of this House? The conclusion is irresistible that slaves were recognized by the framers of the Constitution, not only as persons, but as property; and for this reason that instrument was opposed by several members of the Federal convention. Upon the motion of Mr. Wilson, of Pennsylvania, fixing the present basis of State representation, Mr. Gerry, of Massachusetts, then the great north State, objected to the idea of property being the rule of representation. He said:

"Blacks are property, and are used to the southward as horses and cattle to the northward; and why should their representation be increased to the southward, on account of their slaves, more than horses and oxen to the North?"—*Elliot's Debates*, vol. 2, p. 69.

In the convention of the Commonwealth of Massachusetts, when this clause was under consideration, Mr. King used the following language:

"There has been much misconception of this section. It is a principle of the Constitution that representation and taxation should go hand in hand. This paragraph states that the number of free persons shall be determined by adding to the whole number of free persons, including those bound to service for a term of years, and excluding Indians not taxed, three-fifths of all other persons; these persons are the slaves. By this rule, representation and taxation are to be apportioned. And it was adopted, because it was the language of all America."—*Elliot's Debates*, vol. 1, p. 56.

It was not confined to one section; it was not alone the voice of slaveholders; but it was the language of all America. In that same convention, Mr. Dawes said:

"He was sorry to hear so many objections raised against the paragraph under consideration. He thought them wholly unfounded—that the black inhabitants of the southern States must be considered either slaves, and as so much property, or in the character of so many freemen." * * * "Our own State laws and constitution would regard them as freemen, and so, indeed, would our ideas of natural justice."

Thus conveying the idea, that while the constitution and laws of Massachusetts would regard them as freemen, the Constitution of the United States, then under consideration, *did* regard them as slaves, and as so much property. And I am fortified in this conclusion by an additional remark of his, that—

"It would not do to abolish slavery by Congress in a moment, and thus destroy what our southern brethren consider as property."

In the convention of the State of New York, Mr. Alexander Hamilton, in discussing the clause which allows a representation of three-fifths of the slaves, said:

"Much has been said of the impropriety of representing men who have no will of their own. Whether this be reasoning or declamation, I will not presume to say. It is the unfortunate situation of the southern States to have a great part of their population, as well as *property*, in slav-

The regulation complained of was one result of the spirit of accommodation, which governed the convention; and, without this indulgence, no Union could possibly have been formed. But considering some peculiar advantages which we derive from them, it is entirely just that they should be gratified."—*Elliot's Debates*, vol. 1, p. 213.

Then, sir, New York was weak; she needed our "tobacco, rice, and indigo," which were capital objects in commerce with foreign nations; and it was "entirely just" that the people of the South should be gratified, and their right of property in slaves should be recognized. But now New York has grown powerful—"a crowning city, whose merchants are princes, whose traffickers are the honorable of the earth," and to her Representative, (Mr. VAN WYCK,) "slavery is a crime against the laws of God and nature, paralyzing the energies of the Anglo-Saxon, and preventing a full development of the resources the country."

In Pennsylvania, and other State conventions, similar views were entertained as in the States above mentioned, all showing that slaves were recognized as property by the framers of the Constitution. Then, as this right is acceded in that instrument, so is that of their enjoyment and their protection; for a right, without the privilege of its enjoyment, is a political misnomer. Then, we should be permitted to exercise this right in peace and quiet; and all efforts to excite hostility against the institution of slavery, or attempts to excite among them insurrection or revolt—all personal liberty bills and underground railroads—are contrary to the spirit of the Constitution, in violation of the plighted faith and understanding of its framers, and in direct antagonism to the rights and interests of the South. And can you expect us to remain listless and unconcerned while you war upon our institutions? I know you say you do not desire to interfere with slavery in the States, and I accord to some honesty of purpose; yet a majority of your party denounce the institution as a blighting, withering curse; a sin against society and God, a leprosy upon the body-politic; and prayers are offered for its abolition, and for the advent of that day when the foot of the slave shall not tread the soil of my country. I shall not argue the morality of slavery; that has been ably discussed by the member from Mississippi, (Mr. LAMAR,) and the member from North Carolina, (Mr. VANCE.) My purpose is to show that, despite of the assurances of non-interference, the speeches of members upon this floor; the appeals of partisan leaders; the exhortations of ministers of the Gospel; and, above all, the denunciations of that powerful engine, the press, are exciting a spirit of fanatical antipathy to our institutions among your people that threaten its existence. I appeal to the progress of this opposition to day. A few years ago you were powerless and insignificant; but the tendency of aggression is onward. Each succeeding year has multiplied your numbers; and now I see before me a powerful party, powerful in force, exacting its demands, aggressive in its policy, and dangerous in its designs. Your appeals are not made without a purpose. You do not misjudge the instincts of the populace. You know, when aroused, lawlessness and misrule characterize their actions and their counsels. Never was this more fully exemplified than in France, during her exciting revolution. Look at her on that memorable night, when her crowded prisons disgorged their thousands to meet the vengeance of her excited populace; when the bodies of her murdered sons were a rostrum for her orators; when the blood of her martyred patriots was the expiatory draughts of her daughters; when the voice of humanity was stifled by the groans of her dying, and the genius of Christianity forbid a tear over the graves of her dead; and learn the effects and results of passions uncontrolled, of unbridled fanaticism, of misguided zeal, and misdirected philanthropy. But why appeal to France? Does not an occurrence in your own country warn you of the tendencies of your teachings and exhortations?

It was the impression made upon the minds of Brown and his deluded followers, that it was their religious duty to extirpate slavery wherever it existed, that instigated the invasion of Virginia. I do not charge that the party advised the deed, for I have no proof of that fact; but I do insist it resulted from your counsels and your teachings. Judas did not crucify his Lord; but were his skirts clear of a Saviour's blood? You did not advise the deed, but you teach your people that slavery is the consummation of crime, that slaveholders are tyrants, and "resistance to tyrants is obedience to God;" and acting under these impressions you have made, they have violated constitutional obligations and invaded the limits of a sovereign State. Sir, we say these things should cease, and that we should be permitted the quiet enjoyment of our rights. My people deplore this excitement, and would gladly see this subject banished forever from the Halls of Congress. Why, sir, these aggressions and jealousies between those bound together by a common origin and a common destiny? Do we learn nothing from the instructive histories of other countries? Do not the histories of Rome and of Carthage, of Sparta and of Athens, of Austria and of Prussia, warn us of civil dissension, of conflicting rival-

ries, and of aggressive exactions? And their history will be ours, if you disregard the landmarks of the Constitution in your reckless adventure for position and for power.

But, say you, we do not propose to agitate or aggress. Why, then, the resolution of the gentleman from Ohio, (Mr. BLAKE,) and for which sixty of you voted, which, if carried into effect, would soon kindle the flames of civil war? Why the bill of the same member to repeal the fugitive slave law, which was passed to restore peace and quiet to our agitated country? Is this the return from the West for our past kindness in the earlier days of her eventful history? I need not recall the days of your early trials and sufferings, when an infant, struggling to relieve yourselves from the onerous burden of an Indian war. I need not cite a more recent period, when the gentleman's own State was invaded by British myrmidons, who destroyed your property and drove you from your homes and firesides. Who then gave you her sympathy and assistance? It was the South, against whose institutions you war to-day. The North opposed you. You sought her aid; she spurned your entreaties. You implored her assistance; she turned you away empty. But the South—"this moral plague spot"—heard your cry and relieved your necessities. When I recall these events in my country's history, the picture of your condition, so touchingly described by a western statesman, fills my mind. It was drawn under the inspiration of deep feeling; and, with master hand, he portrayed "the young West, a victim to be devoured; the old North attempting to devour her; the generous South, ancient defender and saviour of the West, stretching out her arm to save her." And as I gaze upon the panorama, I inadvertently ask: is this that young West, no longer an infant, weak and powerless, but a giant, strong in his might, and mighty in his strength, who would wound the bosom that warmed him, and crush the arm that lifted him to position and to power? Is the gentleman in earnest? And does he suppose, if he accomplishes his purpose, we will tamely submit?

Sir, I am no alarmist; I would quiet rather than distract the public mind. I am no sectionalist; I would award to every portion of my growing country her constitutional rights. I am no extremist, dealing in unbecoming invective; but the occasion demands that I warn gentlemen there are bounds beyond which they should not venture, if they would perpetuate this Union of their fathers. I speak thus plainly, that I may avert the dangers that now threaten my country; for, sir, I desire to see transmitted, unimpaired and imperishable, to the latest generation, our republican institutions; and I would therefore throw around them a charm which fanaticism cannot despoil. I shall not, therefore, commit my State to a pledge of a dissolution of this Union. She must speak for herself; and I, who owe her my chief allegiance, will bow submissive to her mandates. Sir, Georgia has spoken, not through her partisans, who, in their misguided zeal, might disregard the promptings of "patriotic desire," but in the thunder tones of her people, in her State convention:

"That Georgia will, and ought to, resist, (even as a last resort,) to the disruption of every tie which binds her to this Union, any acts of Congress upon the subject of slavery in the District of Columbia, or in places subject to the jurisdiction of Congress, incompatible with the safety, domestic tranquility, the rights and honor of the slaveholding States," * * * "or any acts repealing or materially modifying the laws in force for the recovery of fugitive slaves."

This is no language of menace, but the warning of a sovereign State, which has ever been loyal to the Constitution and the Union. It was spoken in that dark hour when the demon of disunion stirred the angry elements of political strife, and shook the temple of our liberties from "turret to foundation-stone." Her resolve was oil upon the troubled waters; was "peace, be still," to the warring elements. The clouds were dispersed, the tempest lulled, when the South, with Georgia, acquiesced in the compromise measures. Those measures you now propose to repeal, and thus renew the excitement that threatened the very existence of our Government. Sir, who then shall control the angry storm? The mighty spirit that twice "rebuked the wind and the raging of the waters," sleeps indeed; but it is the sleep that knows no waking; and no one is on board who can "command the winds and the water, and they obey him." Pause, then, before you disturb these measures, which are so closely associated with his memory and his name. In the name of my State, I say we cannot submit to their abrogation or repeal; for in that event Georgia stands pledged to sever the chain that binds her to this Union, though a nation weeps over its shattered links.

As a Union man, I warn gentlemen to beware, before they force us to this last extremity. We only ask for an observance of the Constitution and the maintenance of the laws. With less than these we will not be satisfied; and that party that will not accord this much to my people, is an enemy to my country and a foe to this Union. "Well," say some, "we are prepared to award you this much; for while

we oppose your peculiar institution and desire its abolition, we expect to accomplish this result peaceably and quietly." Think you we can rely upon this assurance, when in your declaration of intentions you aver "that it is against slavery and slaveholders, as a body, you wage an exterminating war; and having made this declaration, you have a full and fixed determination to stand by it or die by it?" Talk to me about peaceable intentions, when men have resolved to stand or fall in the maintenance of their position and the accomplishment of their designs! As well tell me to look for sunshine and calm when the tempest rages, or for blossoms and flowers when winter wraps the earth in his icy mantles.

No, sir; some have counted the cost, and numbered their forces. They have arranged themselves in battle array, and, thus marshaled, have dispatched a messenger with a flag of truce, offering us terms of peace and quiet. Mr. KILLINGER of Pennsylvania, their messenger, has told us "that he speaks the sentiment of the people of his State, the laboring men and mining people, who are now out of employment, that we can have peace and quiet, if we will extend the olive branch, and give them protection on coal and iron." And if we do not accept the humiliating bribe, if we do not consent to purchase our constitutional rights, and should seek redress for our grievances, another gentleman from Pennsylvania, (Mr. HICKMAN,) points us to "eighteen million people, reared to industry, with all the appliances of art, who can cope successfully with eight million at the South, without these appliances." I shall not imitate the example of the honorable member, by unjust discriminations against any section of my country. I am proud of the skill and prowess of my countrymen. I would not underrate the intelligence or patriotism of any portion of the American people. I am proud of the old Keystone State, and rejoice in her prosperity and advancement; but when the gentleman makes these discriminations and casts imputations upon the efficiency and ability of the people of my section, I would say to him in all kindly sincerity:

"Lochiel, Lochiel, beware of the day,
When the Southron shall meet you in battle array!"

But not only do you propose a repeal of the fugitive slave law, but you purpose to prevent us from the enjoyment of our property in the common Territories. And here I find another enemy, equally hostile and determined. This enemy belongs to a wing of the Democratic party, and is led on by the distinguished Senator from Illinois. In the outset of my remarks I sought to show that the Constitution recognized slavery, and regarded slaves as property. I now propose to show that, under that instrument, I have the right to carry my property to any portion of the Union where the States, in their sovereign capacity, have not interdicted me. I say, in their sovereign capacity, for no power short of sovereignty can restrict me in this right. The Constitution says: "the citizens of each State shall be entitled to all the privileges and immunities of the several States;" in other words, you shall have no rights as an Ohio man, that I shall not enjoy as a Georgian. You claim as a constitutional prerogative the right of migrating, if you desire, to any of our Territories, and the privilege of carrying with you your cattle and your horses, your goods and your merchandise; and no one disputes your claim. You assert this right, because the rights of property *accompany* those of persons; and as you are not debarred by the Constitution from entering the Territories, you can carry with you what is recognized as property; and as Government is instituted to protect the persons and property of its citizens, it is the duty of the same to extend this protection to you; and when it refuses, it violates the objects of its formation and becomes a despotism. How then can you deny me, your constitutional peer, that which you arrogate to yourself? The same Constitution that shields you, protects me. The same courts that have recognized your titles to property, have established mine. The same Government that throws around *your* person and *your* property theegis of her protection should extend the same to me, for we owe her the same allegiance and are entitled to the same protection. "But," say you, "we grant you are joint owners of the Territories, and recognize your right to carry your slaves there, but when you get them there you hold them subject to the will of the people of the Territories. If they see fit, in the exercise of their legislative powers, to discriminate against your property, or withhold any legislation that would give efficient protection to your slaves, and without which your tenure to them would be insecure and worthless, they have the power. If they should pass a law denying your right of property in slaves, thereby depriving you of their possession and enjoyment, no power on earth can prevent them." Is this equity? is it equality? Does it not prevent the South from equal competition in the Territories, because of the insecurity thus attending their property?

Think you, slaveholders would carry their slaves to those Territories under circumstances so unfavorable to their enjoyment and security? Does the Constitution become

inoperative and powerless because of my removal into the territories? The whole principle is antagonistic to the equality of the States, and excludes my people from the Territories as virtually as would the doctrine of the Republican party. And does not the honorable Senator admit in one of his able speeches, that "the Territorial Legislature of Kansas had abolished all the remedies for the protection of slave property, and withdrew from the courts any jurisdiction over the subject, and, by this unfriendly legislation, slavery is to-day excluded from Kansas?" Is this the non-intervention which was to secure the South in the enjoyment of her rights, and settle forever the perplexing question of slavery? Are these the promised fruits of the Kansas bill, upon which the South was to feed and "wax strong?" Sir, I know no distinction between this and the doctrine of the Republican party. The one is the axe applied to the root; the other is the canker worm that feeds upon the body, until the tree, robbed of its nutriment, withers and dies. The one is a bold, manly avowal of hostile intentions; the other is a friendly profert, with a betrayal kiss, and I warn the people of the South against this doctrine, as fatal to their interests, their equality and their rights.

Establish this as the policy of the Government, donate your public lands to settlers and unnaturalized foreigners, confer upon those who have just landed upon our shores the right of suffrage, and, under the operation of these varied influences, you restrict the South to her present limits, and eventually impair and subvert her cherished institutions. The powers claimed by these advocates of territorial sovereignty have been repudiated by our ablest constitutional jurists. They recognized no sovereignty in the people of the Territories; but regarded them as agents—mere trustees—for carrying out the objects for which they were created. Webster—that colossal pillar of constitutional strength, whose giant mind ever grasped at realities and truth—thus spoke of the doctrine of territorial sovereignty:

"We have always gone upon the ground that these territorial governments were in a state of pupillage, under the protection and patronage of the General Government. The people of a territorial government are not a sovereignty; they do not possess any of those rights incident to sovereignty. They are, if you please so to denominate, in a state of inchoate government and sovereignty."

"It is our duty to provide for the people of a territory a government to keep the peace; to secure their property; to assign them a subordinate legislative and judicial authority; to see that the protection to their persons and the security of their property are all regularly provided for; and to maintain them in that state until they grow of sufficient importance to be admitted into this Union."

Then, says he, the people, in their *State sovereignty*, may decide for themselves. Here the doctrine of territorial sovereignty is boldly repudiated, and with it, the doctrine of unfriendly legislation. Mr. Calhoun—that embodiment of state rights and strict construction, the power of whose mind has been indelibly impressed upon the brightest pages of American history, and whose great name will live as long as patriotism has a votary—thus replied to a proposition of a Senator, claiming for a people of a Territory the same inherent right of self-government as a State:

"The assumption is utterly unfounded, unconstitutional, without example, and contrary to the entire practice of the Government, from its commencement to the present time."

The lamented Berrien—Georgia's gifted son, than whom none was abler in his explications of the abstruse problems of constitutional law—maintained that slavery existed in the Territories independent of statutory provisions. For, said he:

"Slavery exists in the State where the owner dwells; it exists out of the State where the owner dwells. Once existing, it exists everywhere, until it comes within limits of a sovereignty which inhibits it."

And, therefore, he assumes that "Congress may legislate upon this subject in the Territories, *affirmatively*, to facilitate the exercise of a constitutional right; while the power so to legislate, to create obstructions to the enjoyment of it, would be denied that body." Recognizing the distinction between their powers of protection—for it was for that our Government was created—and those negative powers which belong not to Congress, I believe Congress has the right, whenever the occasion demands, to legislate for the protection of property, recognized as such by the Constitution itself.

Mr. MONTGOMERY. Will the gentleman from Georgia yield to me a moment.

Mr. HARDEMAN. If I have misrepresented the position of the gentleman, I will yield to him.

Mr. MONTGOMERY. No, sir; you have not misrepresented me; but I want to give you some Georgia doctrine.

Mr. HARDEMAN. Well, I give you the Georgia doctrine of the American party—and I speak only for them—and that is this: that Congress has no power to legislate upon the subject of slavery in the Territories, either to establish or pro-

hibit it, or to legislate upon the subject at all, except for its protection where it legally exists. And believing that, I repudiate the doctrine, come from what quarter it may, that, because we can legislate for our protection, we can legislate for the destruction of a right. That is Georgia doctrine, and by that doctrine I am willing to stand to-day.

Mr. MONTGOMERY. I desire to give the gentleman some Georgia Democratic doctrine, which is a larger party than the American party.

Mr. HARDEMAN. I will say to the gentleman that I believe he is a member of the Democratic fold, and he must settle that question himself; and, if I have not converted him from that faith, it is because Ephraim is joined to his idols.

Mr. UNDERWOOD. The gentleman from Pennsylvania can get the Georgia Democratic doctrine from the Democrats from Georgia upon this floor, and I am ready to give it to him whenever he wants it.

Mr. HARDEMAN. Now, sir, if these powers are denied to Congress, can we consent that the creature of Congress should exercise powers which do not belong to the creator? Can we transfer to another that which we never ourselves possessed? The enunciation of such a proposition, to use a no less uncharitable term, is beneath the consideration of an enlightened judgment. But, sir, these are no longer open questions; for they have been adjudicated by that tribunal whose duty it is to expound the Constitution. That Court says the only two provisions in that instrument "which point to them, (slaves,) and include them, treat them as property, and make it the duty of the Government"—to do what? To discriminate against them? No. To deprive me of their enjoyment by unfriendly legislation? No. What then?—*to protect them.* No other power, in relation to this race, is to be found in the Constitution; and as it is a Government of special delegated powers, no authority beyond these constitutional provisions can be constitutionally exercised." Thus repudiating the power of Congress to prohibit the introduction of slavery into the Territories, as claimed by the Republicans, and giving a judicial quietus to the doctrine of unfriendly legislation. If any doubt exists as to the meaning of the court, it should be removed by the additional clause from the same decision:

"We have already said the right of property in a slave is distinctly and expressly affirmed in the Constitution." * * * "The rights of property are united with the rights of persons, and placed on the same grounds, by the fifth amendment of the Constitution. And an act of Congress which deprives a citizen of his liberty or property, because he brought his property into a particular Territory of the United States, and who had committed no offence against the laws, can hardly be dignified with the name of process of law."

Yet, sir, despite this decision, we are told that "the right of the people at any time, while in a territorial condition, to make a slave Territory or a free Territory, is perfect and complete under"—what? The Constitution? No such power can be found in that instrument. Under the decisions of the Supreme Court? That power the court denies. Where, then, does the advocates of territorial sovereignty get this power, that overrides constitutions and decisions and laws—this "Aaron's rod, that swallows up all other rods?" I commend their answer to my southern Democratic friends: "under the Kansas-Nebraska bill," which the Cincinnati platform recognizes as a cardinal principle of Democratic faith. I allude to it here in no partisan spirit; my object is a higher and nobler one. As a southern man, loving the institutions of the sunny South, and desiring to transmit them unimpaired to my children, I call upon members of my own party, and ask them to ignore every candidate and every platform that will not and does not recognize the constitutional rights of every portion of this Union. I invoke the Democratic party South no longer (for the sake of party unity and party success) to be satisfied with what Senator Iverson terms "the wretched uncertainties and unmeaning generalities of the Kansas bill, and the thousand ills of which it has been the prolific source;" nor "with apocryphal sentences strung together, meaning anything or everything or nothing, as one chooses to construe them," as Senator Brown styles your Cincinnati platform; which is "insulting to our intelligence with its northern and southern sides."

Mr. CRAWFORD. My colleague has seen proper to give some advice to the Democratic party of the State of Georgia, in reference to what course we should pursue touching the presidential race. I desire now to ask my colleague whether or not he will insist that his own candidate for the Presidency shall be in favor of the protection of slave property in the Territories? I ask my colleague if he is at this time prepared to say that he will vote for no candidate for the Presidency unless that candidate is in favor of the protection of slave property in the Territories?

Mr. HARDEMAN. I am ready to answer any question that relates to the interests of the South, or the rights of my people; and I say that I, for one, will vote for no man for the Presidency who, when it is needed, will deny me the right of protection to slavery in the Territories.

Mr. CRAWFORD. I want to understand the gentleman.

Mr. HARDEMAN. I am not the adviser of my political party, because I am one of those who have just commenced to taste the droppings of the political sanctuary.

Mr. CRAWFORD. I desire that we may get together. I do not wish my colleague to answer "when it is needed," but to meet the question in such a way that his answer will definitely settle the question.

Mr. HARDEMAN. One of the earliest impressions left upon my mind by the teachings of my aged father, was never to cross the river before we came to the bridge; and whenever the time arrives that it is necessary for me to give or withhold my vote for a man who will deny me that protection, the gentleman will not find me wanting.

And now, as the gentleman has put me upon the stand, I want to ask him a question.

Mr. CRAWFORD. I must insist that the gentleman has not answered my question; and as I propounded it in good faith, and under the belief that my colleague would have answered that he was in favor of protecting slave property in the Territories, and that he would have met the question promptly and at once, I asked it. I am ready to answer any question the gentleman may put to me touching protection in the Territories.

Mr. HARDEMAN. I said in my speech—and the gentleman would have heard it if he had listened—that I claimed that right.

Mr. CRAWFORD. I asked my colleague the question for the reason that I want to see my State united, and do not want to see any difference of opinion among the members of Congress from Georgia, touching the slave question. I ask my colleague again, will he vote for any man for the Presidency who is not in favor of protecting slave property in the Territories?

Mr. HARDEMAN. I have stated that if, when the time came, when this protection was needed, he flinched from that duty, I would not vote for him. I said it to my people, and I say it again. I would like to know why it is that we should legislate before the time comes. "Sufficient unto the day is the evil thereof."

Now I did not expect this colloquy with my colleague; but now that I have him on the stand, I would ask him, entertaining the views we do, and the views which most of his party entertained in Georgia during the recent canvass on the doctrine of popular sovereignty, squatter sovereignty, or Douglasism, whether the honorable gentleman would vote for STEPHEN A. DOUGLAS, if nominated by the Charleston convention?

Mr. CRAWFORD. I say to my colleague, in reference to the Charleston nomination, that, whenever it is made, and the other candidates are in the field, I will determine upon my course, and not until then.

Mr. HARDEMAN. Then I am glad I have converted the gentleman to one of my positions; that he will not cross the river until he gets to the bridge. As I said before, I did not allude to this subject in a partisan spirit; but I made the appeal because the union of these States is endangered; and the only way we can restore confidence and repose is by a strict observance of the Constitution, and an unqualified recognition of the rights of the States. Sectionalism must cease, aggressions must be checked, and constitutional equality restored and respected, or the people, irritated and exasperated by the promises of parties, will no longer regard ours as a Government of protection. For years, sir, the bow of promise has arched our political horizon, but to-day, clouded and obscured we no longer look upon its circling splendors. As an American citizen, who would avert the dangers that threaten my country, I implore men of all parties so to legislate that these agitations may cease, and quiet and peace be restored to our distracted country. For, sir, if moderation does not control our counsels, if an observance of the laws does not mark our actions, then will our Government be a failure, the hope of civil liberty become extinguished, and the volume of our history will be "indexed and closed." Heaven avert this melancholy calamity; and may our country, blessed with the smiles of an approving Providence, continue her onward march, prospering and to prosper, until the nations of the earth of a truth shall say power dwells upon her mountains and greatness lingers among her forests and her hills.

